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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/586,672	03/26/2007	Tetsuo Ueno	1248-0877PUS1	8090

2292 7590 10/02/2008  
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EXAMINER
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VO, NGUYEN THANH

ART UNIT	PAPER NUMBER
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2618

NOTIFICATION DATE	DELIVERY MODE
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10/02/2008

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/586,672	<b>Applicant(s)</b> UENO ET AL.	
	<b>Examiner</b> NGUYEN VO	<b>Art Unit</b> 2618	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-15 and 17-22 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 12, 13 and 18-20 is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4, 10, 11, 14, 17, 21 and 22 is/are rejected.
- 7) ☒ Claim(s) 3, 5-9 and 15 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 July 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 17 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As to claim 17, it is indefinite because it depends from a canceled claim 16. **For the purpose examination, claim 17 is treated as if it were to depend from claim 15.**

In addition, the recitation "the communication terminal apparatus" lacks clear antecedent basis.

### ***Claim Rejections - 35 USC § 101***

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 21-22 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

As to claim 21, it is nothing but a program which is being claimed.

As to claim 22, it is rejected for the same reason set forth in claim 21 above because it depends from claim 21. In addition, claim 22 should be used with proper language such as "a computer readable medium storing a computer program".

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 1-2, 4, 10-11, 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over the prior art as admitted by applicant on pages 3-8 (hereinafter simply referred to as the admitted prior art) in view of Carsello (US 2004/0218699).

As to claim 1, the admitted prior art discloses a receiving apparatus, comprising a received signal level determination section 115 for detecting a power level of a received signal (see page 7 of the present specification); the receiving apparatus including a low power consumption mode in which the shift to the reception state is determined in accordance with whether or not a received signal power level not less than a predetermined value is detected by the received signal level determination section (see

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page 7 of the present specification). The admitted prior art fails to disclose a correlation detection section for detecting a correlation between the received signal and a predetermined reference signal, and a normal operation mode in which a shift to a reception state is determined in accordance with whether or not the correlation is detected by the correlation detection section. Carsello discloses a correlation detection section for detecting a correlation between the received signal and a predetermined reference signal, and a normal operation mode in which a shift to a reception state is determined in accordance with whether or not the correlation is detected by the correlation detection section (see abstract, paragraph [0048]). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the above teaching of Carsello to the admitted prior art, in order to further prolong the battery life.

Still as to claim 1, it should be noted that as the admitted prior art is modified with Carsello for the reasons as set forth above, the modified admitted prior art would comprise two reception standby states; therefore reads on the claimed limitation "the receiving apparatus switching between reception standby states as required" as claimed.

As to claim 2, the combination of the admitted prior art and Carsello does disclose that shifting to the reception state is made when the correlation detected by the correlation detection section has a value not less than a certain value as claimed (see Carsello, abstract, paragraph [0048]). The above combination also discloses despread the spread spectrum signal as claimed (see the admitted prior art, page 5).

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As to claim 4, see the admitted prior art, page 4.

As to claims 10-11, see the admitted prior art, pages 6-8.

As to claim 14, see the admitted prior art, page 4.

***Allowable Subject Matter***

8. Claims 3, 5-9, 15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

As to claims 3, 5-9, the prior art of record fail to disclose or render obvious that the normal operation mode and the low power consumption mode are switched between each other in accordance with the power level of the received signal, which power level is detected by the received signal level determination section, wherein the normal operation mode, the low power consumption mode and the power level of the received signal are specified in independent claim 1.

As to claim 15, the prior art of record fail to disclose or render obvious a terminal apparatus as specified in the claim.

9. Claim 17 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

10. Claims 12-13, 18-20 are allowed.

As to claims 12-13, the prior art of record fail to disclose or render obvious the receiving apparatus carrying out a reception standby operation in the normal operation mode in a first reception power range in which reception is supposed to be possible but

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in which the reception is impossible in the low power consumption mode, the receiving apparatus carrying out the reception standby operation in the low power consumption mode in a second reception power range covering reception power higher than reception power covered by the first reception power range, as specified in independent claim 12.

As to claims 18-20, the prior art of record fail to disclose or render obvious reception standby states including: a normal operation mode in which a shift to a reception state is determined by (a) detecting a power level of a received signal and (b) detecting a correlation between the received signal and a predetermined reference signal; and a low power consumption mode in which the correlation between the received signal and the predetermined reference signal is not detected and in which the shift to the reception state is determined only by detecting a received signal power level not less than a predetermined value, as specified in independent claim 18.

### ***Conclusion***

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to NGUYEN VO whose telephone number is (571)272-7901. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban can be reached on (571) 272-7899. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Nguyen Vo/  
Primary Examiner, Art Unit 2618